

REMARKS

Claims 22-43 were examined. Claims 28-36 are allowed, and claims 22-27 are rejected. Claims 1-21 have previously been canceled, claims 49-70 were previously renumbered as claims 22-43, and claims 37-43 have previously been withdrawn from consideration.

Applicants amend claim 22. Applicants respectfully request reconsideration of claims 22-27 amended in view of the following remarks.

I. Claims Rejected Under 35 U.S.C. § 102(e)

The Patent Office rejects claims 22-23, 25, and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,982,957 to DeCaro et al. (DeCaro). It is axiomatic that to be anticipated every limitation of a claim must be disclosed in a single reference.

Applicants respectfully disagree with the rejection of claim 22, as amended, for at least the reason that the cited references do not teach or suggest producing a first set of responses from a spectrophotometer based on a plurality of light radiating sources, and producing a second set of responses from an imager by exposing the imager to the plurality of light radiating sources, as required by amended claim 22. According to claim 22, for example, a convenient method is provided of verifying that a calibration instrument used to determine calibrating coefficients of an imager device, is accurate, by directly measuring the light radiating sources with the spectrophotometer (see page 18, lines 17-21 of the specification, as originally filed).

DeCaro teaches a method of re-exposing sensor 140 to sets of light emitting diodes (LEDs) and varying the time or power used to emit light from those diodes until a desired sensor response is obtained to allow mathematical calibration of a scanner (see paragraph 3, lines 49-59; and col. 11, lines 10-45).

The Patent Office has not identified and Applicants are unable to find any teaching in DeCaro of producing responses from a spectrophotometer to determine calibration coefficients, as required by amended claim 22. Hence, for at least the reasons explained above, Applicants respectfully request that the Patent Office withdraw the rejection above of claim 22.

Applicants assert that claims 22-23, 25, and 27, being dependent upon allowable base claim 22, are allowable for at least the reasons explained above. Hence, Applicants respectfully request that Patent Office withdraw the above rejection to claims 22-23, 25, and 27.

II. Claims Rejected Under 35 U.S.C. § 103

The Patent Office rejects claims 24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over DeCaro. To render a claim obvious, all limitations of that claim must be taught or suggested by at least one properly combined reference.

Applicants assert that claims 24 and 26, being dependent upon allowable base claim 22 are patentable over the cited reference for at least the reasons explained above. Specifically, DeCaro does not teach or suggest the above noted limitations of amended claim 22. Hence, for at least this reason, Applicants respectfully request the Patent Office withdraw the rejection above of dependent claims 24 and 26.

Moreover, in addition to the reason above, Applicants assert that claim 24 is allowable over the cited reference as claim 24 requires peak wavelengths of 430 nm, 470 nm, 545 nm, 590 nm, and 660 nm, respectively. The peak wavelengths required by claim 24 provide the criticality of corresponding to wavelengths of known industry standard, Macbeth Colorchecker® target available from Macbeth Kollmorgen Instruments Corporation in New Windsor, New York (see page 3, lines 1-6; page 10, lines 6-11 of the specification, as originally filed). Thus, the peak wavelengths of DeCaro do not make the different peak wavelengths of claim 24 obvious, since for the peak wavelengths of claim 24 there are known behaviors, studies, data, articles, hardware, software, and other devices and methods developed in the industry; and well as acceptance of such colors and calibration according to such colors in the industry (see page 11, lines 15-22). Hence, for at least this additional reason, Applicants respectfully request that the Patent Office withdraw the rejection above of dependent claim 24.

III. Allowable Subject Matter

Applicants note with appreciation that the Patent Office has found claims 28-36 allowable.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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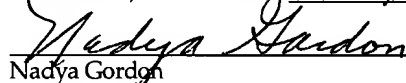
Date: February 28, 2005

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on February 28, 2005.

 2/28/05
Nadya Gordon Date